

MEETINGS TO DATE 21
NO. OF REGULARS 19
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LANCASTER, NEW YORK
OCTOBER 1, 1973

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 1st day of October, 1973 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
EDWARD J. FERON, JR., TOWN ENGINEER
JOHN F. LUME, HIGHWAY SUPERINTENDENT
WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR
JOHN M. COSTELLO, ASSESSOR III
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the 1974 Special Districts Budget of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS:

ADDRESS

None

OPPOSERS:

ADDRESS

None

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN METZ AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at

8:03 P.M.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster rezoning the property on the east side of Transit Road south and contiguous to Pierce Avenue from an RC, Residence-Restricted Business District to a C2, General Commercial District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner, the Erie County Department of Planning, and Mr. Benedict Holtz the Town Clerk of the Town of Cheektowaga, notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

4. The proposed zoning action is subject to review; the Department makes the recommendation shown on Form ZR-4, Recommendation on Proposed Zoning Action.

Based on the information received.

The Erie County Planning Division has no objection to this request from a zoning standpoint.

It is recommended that development plans indicate a building setback of 130-135' from the centerline of Transit Road. As this highway becomes heavily developed, there may be a need to construct a service road running parallel with Transit Road, with controlled entrance and exit drives at specified locations. Placement of structures along Transit Road in accordance with the above setback would assist the eventual development of such a plan. Such a setback is now being implemented along Transit Road in the Towns of Amherst and Clarence.

The Erie County Health Department has reviewed this request and reported that the property is located outside any existing public sewer district. Plans for sewage disposal and water supply must be submitted and approved by the Health Department prior to development.

Applicant must contact the New York State Department of Transportation, Frank Polizzi, Regional Permit Engineer at 842-4215 for necessary curb and drive cut permits.

The Town Clerk presented a letter from Tryon and Schwartz, retained consultants of the Town of Lancaster, to the Planning Board recommending a favorable review of this proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPONENTS:

ADDRESS

Mr. Robert Michlenzi
(Petitioner Representative)

5067 Transit Road, Depew, New York

OPPONENTS:

ADDRESS

None

ON MOTION BY COUNCILMAN METZ, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:20 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for October 15, 1973.

OFFICIAL REPORTS:

The Town Clerk reported that the following department of the Town of Lancaster has filed with him their Monthly Report as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Zoning Inspector	August, 1973

The Town Clerk reported that the following Board of the Town of Lancaster has filed with him minutes of their meeting as follows:

Planning Board	Meeting #14, September 5, 1973
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The Town Clerk also reported that the Supervisor, as Budget Director, has prepared and filed with him the Tentative Budget of the Town of Lancaster for the year 1974 along with a Budget Message.

The Town Clerk reported that the Tentative Budget has been duplicated and filed with each Town Board member.

COMMITTEE REPORTS:

Supervisor Weimer, as Budget Director, presented and read his 1974 Preliminary Budget Message.

The Town Clerk was ordered to receive and file the message and also refer it to the Public Hearing on the Preliminary Budget.

Councilman Barnhardt, for the Insurance Committee, reported that the Committee of the Town Board met with the Insurance Advisory Committee of the Town of Lancaster relative to the updating of the building values on all town buildings, conversion of private Public Official Bonds to a blanket Public Official Bond, and consideration of other insurance improvements.

Councilman Barnhardt indicated that he will present formal recommendations for updating at a future date.

Councilman Berent, for the Recreation Committee, reported that the Recreation Commission will announce the new Youth Program for young girls which will encompass activities in sewing and the culinary arts, and that further information will be available at the next Town Board meeting.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the Minutes of the Regular Meeting of the Town Board
held on September 17, 1973, as presented by the Town Clerk, be and hereby are
approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

xxx

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has considered
and reviewed the 1974 budget estimates and assessment roll for Special
Districts, spreading costs on a benefit basis, and

WHEREAS, a public hearing on said 1974 budget estimates and
assessment roll, pursuant to Legal Notice duly published and posted, has been
held by the Town Board of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the 1974 budget estimates and assessment roll for
Special Districts, spreading costs on a benefit basis, be and hereby is adopted
as the final 1974 Budget for Special Districts, spreading costs on a benefit
basis, and

BE IT FURTHER

RESOLVED, that said final budget as adopted be filed in the Office
of the Town Clerk.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Office for Local Government is holding a Regional Meeting for Local Officials of general interest to most officials of the Town of Lancaster at the Charter House, Lancaster, New York, Wednesday, October 10, 1973,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor make reservations for any Town official interested in attending said Regional Conference, with expenses of \$6.00 per official hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxkx~~
The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

Raschke
11/5/73
[Signature]

WHEREAS, certain areas of the Town of Lancaster are subject to
periodic flooding from streams, causing serious damage within those areas, and

WHEREAS, It is in the public interest to discourage construction and
to apprise property owners of the exposure to danger from flooding in areas
where periodic flooding from streams is a probable risk, and

WHEREAS, the Planning Board and the Planning Consultant of the
Town of Lancaster have recommended and the Town Board of the Town of Lancaster
deems it in the public interest to amend a portion of the Code of the Town of
Lancaster, County of Erie, State of New York, being Chapter 50 - Zoning - by
making changes thereto as follows:

"Section 50-8. General Application, is hereby amended by
deleting therefrom:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be
designated on an Interim Development Plan or Master Plan Map (if any)
and shall be considered as having unique characteristics of location
and/or physical features. Such areas are not restricted to any
particular zoning district as established under Sec. 50-5 of this
ordinance, but instead are superimposed over any districts which
possess the above-mentioned unique characteristics of location or
physical features. If such "Development" or "Master Plan" has
been duly adopted or amended after adoption by the Planning Board,
any building permit application for such area for a use other than
those permitted in an R-1 District, or a petition for zoning change,
shall be regulated by the provisions of Sec. 50-126 (provisional
amendments) of this ordinance. For purposes of interpretation, the
"conservation" area boundary shall include all lands along Ellicott
Creek within the Intermediate Regional Flood Plain as defined in the
Flood Plain Inspection Report prepared by the Buffalo District Corps
of Engineers dated January 1968.

and by substituting therefor:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be
designated on an Interim Development Plan or Master Plan Map (if any)
and shall be considered as having unique characteristics of location
and/or physical features. Such areas are not restricted to any
particular zoning district as established under Sec. 50-5 of this
ordinance, but instead are superimposed over any districts which

Revised
11-5-73
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possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for the "Special Development Area" for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. In the case of lands designated as "Conservation Area" this area shall be more precisely defined as those lands subject to periodic flooding and delineated as Alluvial Soils by the Soil Conservation Service on the Interim Soil Survey for the Town of Lancaster, dated August 1968.

Prior to the issuance of any permit for the erection of any structure or building in the Conservation Area, the application for use shall be referred to the Planning Board which shall examine each case and recommend either approval or disapproval of the proposed project based on the following criteria and objectives:

1. The proposed use would not impede the flow of flood water or otherwise cause damage to life or property at, or above, or below its location on the flood plain.
2. The proposed use would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows of storm water in periods of heavy precipitation."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed amendment to the Code of the Town of Lancaster, Chapter 50, Zoning, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of October, 1973, at 8:00 o'clock P.M., Eastern Daylight Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise, the official newspaper, and the Lancaster-Depew Journal, being newspapers of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

Rescinded
11-5-73
[Signature]

LEGAL NOTICE IS HEREBY GIVEN that, pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 1st day of October, 1973, the said Town Board will hold a Public Hearing on the 15th day of October, 1973, at 8:00 o'clock P.M., Eastern Daylight Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Code of the Town of Lancaster, County of Erie, State of New York, Chapter 50, Zoning:

"Section 50-8. General Application, is hereby amended by deleting therefrom:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be designated on an Interim Development Plan or Master Plan Map (if any) and shall be considered as having unique characteristics of location and/or physical features. Such areas are not restricted to any particular zoning district as established under Sec. 50-5 of this ordinance, but instead are superimposed over any districts which possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for such area for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. For purposes of interpretation, the "conservation" area boundary shall include all lands along Ellicott Creek within the Intermediate Regional Flood Plain as defined in the Flood Plain Inspection Report prepared by the Buffalo District Corps of Engineers dated January 1968.

and by substituting therefor:

Except as hereinafter provided:

- A.
- B.
- C.

D. "Special Development" or "Conservation" areas may be designated on an Interim Development Plan or Master Plan Map (if any) and shall be considered as having unique characteristics of location and/or physical features. Such areas are not restricted to any particular zoning district as established under Sec. 50-5 of this ordinance, but instead are superimposed over any districts which possess the above-mentioned unique characteristics of location or physical features. If such "Development" or "Master Plan" has been duly adopted or amended after adoption by the Planning Board, any building permit application for the "Special Development Area" for a use other than those permitted in an R-1 District, or a petition for zoning change, shall be regulated by the provisions of Sec. 50-126 (provisional amendments) of this ordinance. In the case of lands designated as "Conservation Area", this area shall be more precisely defined as those lands subject to periodic flooding and delineated as Alluvial Soils by the Soil Conservation Service

on the Interim Soil Survey for the Town of Lancaster, dated August 1968.

Prior to the issuance of any permit for the erection of any structure or building in the Conservation Area, the application for use shall be referred to the Planning Board which shall examine each case and recommend either approval or disapproval of the proposed project based on the following criteria and objectives:

1. The proposed use would not impede the flow of flood water or otherwise cause damage to life or property at, or above, or below its location on the flood plain.
2. The proposed use would not interfere with the maintenance of adequate drainage channels and ponding areas to carry abnormal flows of storm water in periods of heavy precipitation."

Recommended
11-5-73
[Signature]

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: October 1, 1973

*Resubmitted
11-5-73
[Signature]*

and,

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster be and hereby is directed to furnish Notice of said Public Hearing to the Clerks of the Village of Lancaster, the Village of Depew, the Town of Alden, Town of Elma, Town of Cheektowaga and Town of Clarence, as well as to the Erie County Department of Planning in accordance with Section 239 (m) of the General Municipal Law of the State of New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ, TO WIT:

WHEREAS, certain areas of the Town of Lancaster are subject to periodic flooding from the creeks and streams, causing serious damages within these areas, and

WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968, as amended, and

WHEREAS, it is the intent of the Town Board to comply with land use and management criteria regulations as required in said act, and

WHEREAS, it is also the intent of the Town Board to recognize and duly evaluate flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards, and

WHEREAS, Section 261, 262 and 263 of the Town Law of the State of New York, is the appropriate statutory citation of the State of New York enabling legislation that authorizes the Town of Lancaster to adopt land use and control measures,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby assures the Federal Insurance Administration that it will take legislative action as follows:

1. Enact and maintain in force for those areas, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Regulations, and
2. If necessary, seek State enabling legislation conferring authority to enact land use and control measures designed to reduce the exposure of property to flood loss, and
3. Take such other official action as may be reasonably necessary to carry out the objectives of the program. Such actions will include but not be limited to:
 - a.) Assisting the Federal Insurance Administrator, at his request, in delineating the limits of the flood plain having special flood hazard on available local maps of sufficient scale to identify the location of the building sites.

- b.) Providing such information as the Federal Insurance Administrator may request concerning present uses and occupancy of the flood plain.
- c.) Maintaining for public inspection and furnishing upon request, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures and where there is a basement, the distance between the first floor and the bottom of the lowest opening where water flowing on the ground will enter.
- d.) Cooperating with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plain areas as well as cooperating with neighboring communities with respect to management of adjoining flood plain areas in order to prevent aggravation of existing hazards.

and

BE IT FURTHER

RESOLVED, as follows:

1. That the Office of the Supervisor of the Town of Lancaster will coordinate application to the Department of Housing and Urban Development and provide from the appropriate Department Heads and Consultants of the Town of Lancaster, the prerequisites for the sale of flood insurance and the qualifications therefor through the Department of Housing and Urban Development, and
2. That the Town Board of the Town of Lancaster hereby appoints the Building Inspector of the Town of Lancaster with the responsibility, authority and means to implement the commitments made herein; and
3. That the Town Board of the Town of Lancaster hereby appoints the Building Inspector of the Town of Lancaster with the responsibility to submit, on each anniversary date of the Town of Lancaster's initial eligibility, an annual report to the Federal Insurance Administrator on the progress made during the past year within the Town of Lancaster in the development and implementation of flood plain management measures.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, persons in charge of the various Departments of the Town Government have submitted estimates of revenues and expenditures for the year 1974, and

WHEREAS, the Town Board has reviewed the estimates as prepared and filed by the various Departments and has met with said Department Heads relative to said estimates and made certain changes thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Public Hearing on the said preliminary budget of the Town of Lancaster for the year 1974 be held by this Town Board at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 29th day of October, 1973, at 8:00 o'clock P.M., Eastern Standard Time, and

BE IT FURTHER

RESOLVED, that the necessary Notice of said Public Hearing upon the 1974 Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be published in the Lancaster Enterprise and the Lancaster-Depew Journal on October 18, 1973, and be posted on the Town Bulletin Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~
The resolution was thereupon unanimously adopted.

October 1, 1973

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 1974
PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the preliminary budget of the Town of Lancaster for the fiscal year beginning January 1, 1974, has been completed and filed in the Office of the Town Clerk at the Town Hall, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested person during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster will meet and review said preliminary budget and hold a public hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:00 o'clock P.M., Eastern Standard Time, on the 29th day of October, 1973, and at such hearing any person may be heard in favor of or against the preliminary budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following town officers are hereby specified as follows:

Supervisor	\$ 10,750.00
Four (4) Councilmen	4,400.00 each
Town Clerk:	
(a) as Town Clerk	13,275.15
(b) as Clerk to Zoning Board of Appeals	315.00
Superintendent of Highways:	
(a) as Highway Supt.	9,900.00
(b) as Sewer Supt.	800.00

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

ROBERT P. THILL,
Town Clerk

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

Resolved
11-5-73
[Signature]

WHEREAS, the Lancaster Library Board and Library Committee of the Town Board have recommended immediate roofing repairs to the Depew Branch Library at 321 Columbia Avenue, Depew, New York, and

WHEREAS, informal estimates from competent roofing contractors have been obtained, and

WHEREAS, the lowest of such estimates for the immediate performance of such remedial roofing work has been submitted by Ayer Roofing Company, 18 Laverack Avenue, Lancaster, New York, for the sum of \$1530.00, by proposal dated September 24, 1973, providing for a five-year guarantee,

NOW, THEREFORE, BE IT

RESOLVED, that Ayer Roofing Company, 18 Laverack Avenue, Lancaster, New York, be and hereby is authorized to perform remedial roofing work at the Depew Branch Library, 321 Columbia Avenue, Depew, New York, in accordance with its proposal of September 25, 1973, and

BE IT FURTHER

RESOLVED, that the sum of \$1530.00 be transferred from the General Fund Account No. A.00.0909.11, Unappropriated, to the General Fund Account No. A.00.7410.47, Library-Depew Branch Repairs to provide for payment for said remedial work, and that a copy of this resolution be forwarded to the Lancaster Library Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, Richard E. Curtis, 2 Nashua Court, Lancaster, New York, has applied to the Town Board of the Town of Lancaster for permit to construct a Public Improvement upon real property in the Town of Lancaster, and

WHEREAS, the Town Engineer of the Town of Lancaster has informed the Town Board that he has reviewed the Improvement Plan and Permit Application for the installation of the Public Improvement requested and recommends the granting of the Permit requested,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 33 of Richard E. Curtis, 2 Nashua Court, Lancaster, New York, for installation of 80 feet of 6" C.I.P. waterline on south side of Waltham Drive as shown on Improvement plan and in accordance with standard specifications of the Town of Lancaster and Erie County Water Authority, be and hereby is approved and the issuance of the Permit is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

~~xxx~~
The resolution was thereupon unanimously adopted.

October 1, 1973

MEMORIAL RESOLUTION

WHEREAS, Almighty God, in His infinite wisdom, has removed from our midst, Dr. Martin E. Tyrrell, in whose death we have lost a sincere and loyal friend, his community a valued and respected citizen and his family a kind and devoted member, and

WHEREAS, the recent passing of Dr. Tyrrell has saddened the hearts of all residents of the Lancaster-Depew area and all who were honored to have in any way come in contact with him, and

WHEREAS, Dr. Tyrrell gave so generously of himself in the practice of medicine and in the enrichment of the quality of life of this community, and

WHEREAS, we shall miss his pleasant companionship and good fellowship, his wise counsel and worthy participation in our activities,

NOW, THEREFORE, BE IT

RESOLVED, that we mourn deeply the passing of our worthy and beloved friend and extend this expression of heartfelt sympathy to his family in this, their sad bereavement, confident in the knowledge that, having reached the end of his earthly journey, he has received his eternal and glorified reward in Heaven, having heard the consoling words of the Master, "Well done, thou good and faithful servant!"

LANCASTER TOWN BOARD

Leo N. Weimer, Supervisor

J.R. Barnhardt, Councilman

Edward A. Berent, Councilman

Peter J. Bolender, Councilman

Artel J. Metz, Councilman

Robert P. Thill, Town Clerk

Dominic J. Terranova, Town Attorney

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Town of Lancaster Environmental Conservation Commission has requested authorization for three of its members to attend the New York State Association of Conservation Commissions annual meeting October 11 - 13, 1973, at Warrensburg, New York,

NOW, THEREFORE, BE IT

RESOLVED, that Chairman Thomas Morganti and Members Arthur Varga and Timothy O'Neill be and hereby are authorized to attend the annual meeting of the New York State Association of Conservation Commissions at Warrensburg, New York, October 11 - 13, 1973, with expense reimbursement in an amount not to exceed \$140.00 per person.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore
advertised for bids to be received September 17, 1973 for one (1) sander
body for the use of the Highway Department, and

WHEREAS, bids submitted for said sander body were not in accordance
with the specifications therefor in that bid security was not deposited at
time of bid opening,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution of the Town Board of the Town of
Lancaster adopted September 4, 1973, calling for bids for one (1) sander body
be and hereby is rescinded and that the bids received pursuant thereto be
and hereby are rejected.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

~~xxx~~
The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Highway Committee of the Town Board of the Town of Lancaster has determined the necessity of purchasing one (1) sander body for the use of the Town Highway Department, and

WHEREAS, by resolution of September 4, 1973, the Town of Lancaster standardized on sander bodies, also known as truck and dump body mounted spreaders, engineered, designed and manufactured by Highway Equipment Company, Cedar Rapids, Iowa, and specifically designated as "Hi-Way Truck and Dump Body Mounted Spreaders",

NOW, THEREFORE, BE IT

RESOLVED, that bids be received by this Town Board on October 15, 1973, at 8:15 o'clock P.M., Eastern Daylight Time, for the purchase of one (1) sander body, also known as truck and dump body mounted spreader, engineered, designed and manufactured by Highway Equipment Company, Cedar Rapids, Iowa, and specifically designated as "Hi-Way Truck and Dump Body Mounted Spreader", for use of the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized and directed to place a Notice to Bidders in the Lancaster Enterprise and the Lancaster-Depew Journal, and to post notices thereof as required by the Town Law of the State of New York, which Notice shall be in the following form:

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 8:15 o'clock P.M., Eastern Daylight Time, on October 15, 1973, for furnishing to the Highway Department of the Town of Lancaster, one (1) sander body, also known as truck and dump body mounted spreader, engineered, designed and manufactured by Highway Equipment Company, Cedar Rapids, Iowa, and specifically designated as "HI-Way Truck and Dump Body Mounted Spreader", in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A check in the amount of \$100.00, payable to the Supervisor of the Town of Lancaster, must accompany each bid.

The Town Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

Dated: October 1, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Youth Bureau of the Town of Lancaster has recommended
the appointment of a Youth Counselor to serve with the Youth Bureau, and

WHEREAS, it is deemed in the public interest that said position be
created to better serve the needs of the youth of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates
the position of Youth Counselor in the Youth Bureau of the Town of Lancaster,
and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is
hereby authorized to complete and execute Section 8 of Form PO-17 (new position
duties statement) from the Erie County Department of Personnel, indicating
that the position of Youth Counselor in the Youth Bureau of the Town of
Lancaster has been created.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

x x x

The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, by resolution of October 1, 1973, the Town Board of the
Town of Lancaster created the position of Youth Counselor in the Youth Bureau
of the Town of Lancaster, and

WHEREAS, by letter of September 27th, the Youth Bureau has
recommended the appointment of an individual to serve in such position,

NOW, THEREFORE, BE IT

RESOLVED, that James Elmore, 6120 Transit Road, Depew, New York, be
and hereby is appointed to the position of Youth Counselor to serve with the
Youth Bureau of the Town of Lancaster, effective October 2, 1973, at an
annual salary of \$8500.00.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duky~~
The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has determined that in order to complete the 1973 Tree Planting Program, it will be necessary to purchase additional trees for specific locations upon the advice of the Tree Planting Committee,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

That sealed bids be received by this Town Board up to 8:30 o'clock P.M., Eastern Daylight Time, on October 15, 1973, for meeting the requirements of the Town of Lancaster's 1973 Tree Planting Program and for the supplying of the following trees in accordance with specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York:

	<u>NUMBER</u>
Columnar Norway Maple	24
Littleleaf Linden	36
Crimson King Maple	38
Kwanzan Flowering Cherry	47
Shademaster Locust	5
Hedge Maple	8
Japanese Tree-Lilac	31
Hop-Hornbeam	16
Full Double-Flowering Crab Apple	15
Columnar Siberian Crab	4
Washington Hawthorn	24
Bradford Callery Pear	20
Radiant Crab	<u>9</u>
Total	277

and,

That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Enterprise and the Lancaster-Depew Journal and to have the said Notice posted as required by law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

dxkx

The resolution was thereupon unanimously adopted.

October 1, 1973

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
OR NURSERYMEN

NOTICE IS HEREBY GIVEN that sealed bids will be received by this Town Board up to 8:30 o'clock P.M., Eastern Daylight Time, on October 15, 1973, for meeting the requirements of the Town of Lancaster's 1973 Tree Planting Program and for supplying the following trees in accordance with specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York:

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Columnar Siberian Crab	4
Washington Hawthorn	24
Bradford Callery Pear	20
Radiant Crab	9
Total	<u>277</u>

Each proposal must be accompanied by a check, payable to the Town of Lancaster, or bid bond having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Hundred Fifty Dollars (\$250.00), conditioned that, if bidders proposal is accepted, he will enter into a contract for same, and that he will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 6102 to 6147 Incl.	\$ 78,934.57
Special District Funds	No. 1264 to 1267 Incl.	2,820.42
Part Town Funds	No. 1504 to 1509 Incl.	775.81
Highway Funds	No. 3146 to 3153 Incl.	12,468.49
Federal Revenue Sharing	No. 17 to 17 Incl.	72,313.58

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

~~xxx~~
The resolution was thereupon unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
131	Raymond Ripa	2 Ellie Court	ER. FR. STUCCO SING. DWLG. PVT. GAR.
132	Frankoin Vassallo	1273 Ransom Road	EX. FR. PVT. GAR.
133	George Keller	5134 William St.	ALT. EX. REBUILD ROOF FR. PLYWOOD PVT. GAR.
134	Walter Ferry	6425 Transit Rd.	EX. FR. BR. REST.
135	Thomas Kerl	110 Cemetery Rd.	ER. CHAIN LINK FENCE

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon ~~duly~~ unanimously adopted.

October 1, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
 COUNCILMAN BOLENDER WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCILMAN METZ
 TO WIT:

BE IT RESOLVED, that the following transfers within the General Fund of the Town of Lancaster be effected:

	<u>To</u>	<u>From</u>
<u>Account</u>	<u>Amount</u>	<u>Account</u> <u>Amount</u>
<u>Central Data Processing</u>		
Contractual expenses	A.00.1680.40	\$529.34
<u>Superintendent of Highways</u>		
Office and other expenses	A.00.5010.41	198.45
Transfer from unappropriated fund balance		A.00.9999.00 \$727.79

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED	<u>YES</u>
COUNCILMAN BERENT VOTED	<u>YES</u>
COUNCILMAN BOLENDER VOTED	<u>YES</u>
COUNCILMAN METZ VOTED	<u>YES</u>
SUPERVISOR WEIMER VOTED	<u>YES</u>

The resolution was declared unanimously adopted.

DATED: October 1, 1973

STATUS REPORTS ON UNFINISHED BUSINESS:

1. Traffic Study - Walden Avenue

On March 12, 1973 the New York State Department of Transportation indicated that the necessary speed checks for this study were being taken during the week of February 26th and that a report will be forthcoming.

2. Rezone Petition - Ralph Figlow - Aurora Street

On October 16, 1972, after a Public Hearing, this matter was referred back to the Planning Board for review and report to the Town Board.

3. Cayuga Creek Flood Program

On May 11, 1973 the Army Corps of Engineers notified the Town Board that they had completed their field inspection and that they are preparing a report which is scheduled to be completed by September, 1973.

4. Tax Abatement - Police Services - County Sheriff's Department

On September 27, 1973 the Assistant County Attorney transmitted to the Town of Lancaster a copy of the most recent Comptroller's Opinions relative to this type of tax abatement.

The Town Attorney was directed to review the opinions and report back to the Town Board.

5. Railroad Crossing - Improved Safety

On July 24, 1973 the Erie-Lackawanna Railroad acknowledged receipt of a letter from the Town Attorney and indicated that they have programmed these crossings for repairs.

6. Rezone Petition - 2300 George Urban Boulevard, Inc.

On October 1, 1973 the Town Board held a Public Hearing on this rezone petition and reserved decision until their next meeting scheduled for October 15, 1973.

The Town Clerk was directed to add the following item to the future agendas of the Town Board:

"Adoption of Flood Plain Legislation"

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. Donald Diebel, 2 Elm Place, Lancaster, New York, asked the Town Board if they have found any position in Town government to which he could be appointed.

The Supervisor and Councilman Barnhardt asked Mr. Diebel if he would be interested in serving on the Environmental Conservation Commission or the Golden Jubilee Committee.

Mr. Diebel indicated that he would be willing to serve on either one.

The Supervisor indicated that a definite answer should be available for Mr. Diebel at the next Town Board meeting.

Mr. Diebel also discussed with the Town Board members the general policy of the Town Board, which has been adopted, relative to granting tax relief for the elderly who have incomes from all sources under \$6,000.00.

Mr. Robert Chisholm, 15 Cambria Street, Lancaster, New York, asked the Town Board where he could obtain a copy of the Town of Lancaster Master Plan.

The Town Clerk informed Mr. Chisholm that the Master Plan is a matter of public record and available for inspection in the Town Clerk's Office.

COMMUNICATIONS:DISPOSITION

402. Town Clerk to Town Board -
Notification - Directives complied with
from meeting of September 17, 1973.
403. Office of County Comptroller to Town Clerk -
Re: Report of Examination of the Books
and Records of the Lancaster Public
Library - Period January 1, 1972 to
December 31, 1972.
404. J. Michael Kelleher to Town Planning
Board -
Application for appointment to Town
Planning Board.
405. Corps of Engineers, Buffalo District to
Town Clerk -
Transmittal - Copies of Flood Plain
Information Reports on Ellicott Creek.
406. Secretary, Environmental Conservation
Commission to Town Board -
Request authorization for Mr. Varga,
Mr. Morganti, and Mr. O'Neill to
attend New York State Association of
Conservation Commissions on October 11,
12, 13, at Warrensburg, New York in
an amount of \$140.00 per person.
407. Krehbiel, Guay, Rugg, Hall to Town Board -
Re: Engineering Annual Contract,
Fiscal Year 1974.
408. County Dept. of Public Works Dept. to
Supervisor -
Request submittal of plantings of
Walden Avenue from Transit to Central
stating species of planting and desired
spacing.
409. Blue Cross and Blue Shield to Supervisor -
Re: Complementary Coverage for
Medicare Eligibles.
410. Supervisor to Polish Falcons Club Society
of Depew -
Thank you for contribution of \$800.00
for Senior Citizens Projects and
\$150.00 for Ambulance Fund.
411. Lancaster Fire Department to Supervisor -
Invitation for Town Board, Town Clerk,
Police Chief, and Highway Superintendent
to attend Annual Communion and
Breakfast of Lancaster Volunteer Fire
Department on October 7, 1973.
412. New York State Department of Environmental
Conservation to Town Clerk -
Transmittal - "Notice of Application"
Entrench sanitary sewer lines across
Cayuga Creek, Ellicott Creek, and
Scajaquada Creek - Town of Lancaster.
413. Association of Towns to Supervisor -
Notification - Statewide Referendum to
be held November 6, 1973 - Approval of
Sewer Debt Exclusion from Constitutional
Debt Limit.

R & F

R & F

Planning Committee

R & F

R & F

R & F

Budget Committee

Tree Committee

R. & F

R & F

R & F

Town Attorney

R & F

COMMUNICATIONS:

DISPOSITION

414. Ayer Roofing Co. to Depew Library -
 Bid Estimate for roof work at Depew
 Library, 321 Columbia Avenue.
415. Elmer A. Adolf to Town Board -
 Notification - Option agreement
 available to purchase property at
 46 Central Avenue now used for
 Lancaster Senior Citizens'.
416. Assistant County Attorney to Legislator
 Wnek -
 Re: Tax Relief - County Sheriff's
 Department.

R & F

Town Attorney

Town Attorney

ADJOURNMENT:

ON MOTION OF COUNCILMAN BOLENDER, AND SECONDED BY THE ENTIRE TOWN
 BOARD AND CARRIED, the meeting was adjourned at 8:45 P.M. out of respect
 to:

SR. MARY JOHN

EUGENE MAHONEY

MELDA SUNDERLAND

ETHEL ZURBRICK

Signed

Robert P. Thill
 Robert P. Thill, Town Clerk